IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1001 (M/B) of 2006

Rewati Nanda Deorari S/o late Sri K.N Deorari
R/o Village Kashirampur Talla Kotdwar, Distt Pauri Garhwal

..... **Petitioner**

Vs

1. Garhwal Motor Owners Union Ltd. Kotdwar Distt. Pauri Garhwal through its Chairman
2. General Manager Garhwal Motor Owners Union Ltd. Kotdwar Distt. Pauri Garhwal

.....Respondents

Sri Narayan Singh Negi, ld. counsel for the petitioner
Sri R.K. Shah, ld. counsel for Respondents

Dated: - August 18, 2006

Coram: Hon'ble P.C.Verma,J.
Hon'ble B.S. Verma,J.

This writ petition has been filed by the petitioner challenging the notice dated 20.7.2006 issued by Respondent No.2- General Manager, Garhwal Motor Owners Union Ltd.

The respondent No.2 is a private body and it does not fall within the meaning of instrumentality of the State. After issuance of this notice, the respondents can proceed for recovery of the money by filing a suit and before that there is no other provision available to the respondents to recover the amount. If the suit is filed then the petitioner will get sufficient opportunity to defend himself.

Therefore, we dismiss the writ petition in-limine. No order as to costs.

(B.S. Verma, J.) **(P.C. Verma, J.)**

Rajeev Dang